

Amendment No. 1 to SB2141

Beavers
Signature of Sponsor

AMEND Senate Bill No. 2141*

House Bill No. 2810

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 11, Part 1, is amended by adding the following as an appropriately numbered new section:

§ 29-11-107

(a) If multiple defendants are found liable in a civil action governed by comparative fault, a defendant shall only be severally liable for the percentage of damages for which fault is attributed to such defendant by the trier of fact, and no defendant shall be held jointly liable for any damages.

(b) Notwithstanding subsection (a), the doctrine of joint and several liability remains in effect among two (2) or more at-fault defendants, if such defendants are co-conspirators in a civil conspiracy.

(c) Nothing in this section shall be construed to limit the ability of the trier of fact to:

(1) Allocate fault to an immune third party;

(2) Consider the fault of all persons who contributed to the alleged injury or death, or damage to property, tangible or intangible; or

(3) Consider the negligence or fault of a nonparty to the suit.

(d) Nothing in this act is meant to eliminate or diminish any defenses or immunities that exist as of the effective date of this act. Assessments of percentages of fault for nonparties are used only as a vehicle for accurately determining the fault of named parties. Where fault is assessed against nonparties, findings of such fault shall not subject any nonparty to liability in this or any other action, or be introduced as evidence of liability in any action.

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SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it, and shall apply to all actions accruing on or after that date.